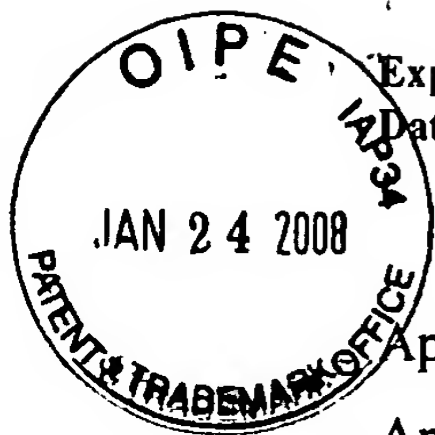


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Express Mail Label No.: EM 145415399US

Date of Deposit: January 24, 2008

Attorney Docket No.: 37272-518F01US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/833,233 Confirmation No. 3014  
Applicant(s) : Victor D. Dolecek, *et al.*  
Filed : April 9, 2001  
TC/A.U. : 1723  
Examiner : Drodge, Joseph W.  
For : CLAM SHELL BLOOD RESERVOIR HOLDER  
WITH INDEX LINE

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

Transmitted herewith for filing in the above-referenced patent application are the following documents:

1. Statement Claiming Small Entity Status (37 CFR 1.9(f) and 1.27(b) - Small Business Concern) (2 pgs.);
3. Power of Attorney to Prosecute Applications Before the USPTO (1 pg.);
4. Statement Under 37 CFR 3.73(b) (1 pg.);
  - a. Copies of the Assignment from Victor D. Dolecek to Medtronic, Inc. recorded at Reel 012250, Frame 0475 and Assignment Recordation Notice (5 pgs.);
  - b. Copies of the Assignment from Victor D. Dolecek and David Malcolm to Medtronic, Inc., recorded at Reel 018440, Frame 0283 and Assignment Recordation Notice (6 pgs.);
  - c. Copies of Assignment from Medtronic, Inc. to Arteriocyte Medical Systems, Inc., recorded at Reel 020362, France 0735 and Assignment Recordation Notice (17 pgs.); and
5. Return Postcard.

Although Applicants believe that no additional fees are due in connection with this submission, the Director is authorized to charge any deficiencies due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 37272-518C01, Customer No. 35437.

Respectfully submitted,

Dated: January 24, 2008

Brian P. Hopkins, Reg. No. 42,669  
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Applicants: Victor D. Dolecek, *et al.*

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Serial No.: 09/833,233

Group Art Unit: 1723

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Confirmation No.: 3014

Attorney Docket No.: 37272-518F01US

Title: **CLAM SHELL BLOOD RESERVOIR HOLDER WITH INDEX LINE**

**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(b))--SMALL BUSINESS CONCERN**

I hereby state that I am the attorney of record for the small business concern empowered to act on behalf of the concern identified below:

ARTERIOCYTE MEDICAL SYSTEMS, INC.  
11000 Cedar Avenue  
Cleveland, Ohio 44106

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in the specification filed herewith, with title as listed above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each such person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists  
☐ each such person, concern, or organization is listed below

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

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Signature: \_\_\_\_\_



Date: January 24, 2008